

Falls Church, Virginia 22041

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File: D2008-106

Date:

**AUG 14 2008**

In re: NAZANIN NASRI, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Bar Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ORDER:

PER CURIAM. The respondent will be expelled from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On April 15, 2008, in the United States District Court for the Eastern District of Virginia, the respondent was found guilty of a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h), relating to her immigration law practice. That is, the respondent was convicted of one count of conspiracy to commit immigration fraud, in violation of 18 U.S.C. §§ 371 and 1546(a). Consequently, on May 23, 2008, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On June 6, 2008, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on June 24, 2008, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1292.3(e)(3)(ii).

The Notice recommends that the respondent be expelled from practice before the DHS. The Office of General Counsel of EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. As the respondent failed to file a timely answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. §§ 1003.105(d)(2); 1292.3(e)(3)(ii).

Since the recommendation is appropriate in light of the respondent's serious crime, related to her immigration law practice, *see* 8 C.F.R. § 1292.3(b), as set forth in 8 C.F.R. § 1003.102(h), which also violated 8 C.F.R. § 1292.3(b), as set forth in 8 C.F.R. § 1003.102(c), in that the respondent knowingly or with reckless disregard made a false statement of material fact or law, or willfully misled, misinformed, threatened, or deceived any person concerning any material and relevant matter relating to a case, we will honor it.

The stipulated facts filed with the United States District Court for the Eastern District of Virginia state that the respondent, from 2001 until 2006, "defrauded the United States by facilitating labor certification fraud, asylum fraud and other visa fraud for aliens." Specifically, the stipulated facts stated, in 2004 the respondent filed a fraudulent alien employment certification with the DHS Citizenship and Immigration Services concerning an alien. In 2005, the stipulated facts stated, the respondent told the same alien to make false statements concerning an asylum claim, and filed an asylum claim for the alien using facts that were fabricated. Also in 2005, the stipulated facts stated, the respondent filed a petition for nonimmigrant worker for another alien, which contained incorrect facts. The stipulated facts also stated that the respondent "deliberately and knowingly" filed other asylum applications with materially false statements, assisted aliens in the "fabrication of false tales" of religious persecution in Iran, and sometimes included false statements without the aliens' knowledge. As stated in the Notice of Intent to Discipline, the respondent "was found guilty of a serious crime related to criminal and unprofessional conduct in her immigration law practice, and... engaged in a pattern of serious unprofessional conduct." Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under the Board's June 24, 2008, order of suspension, we will deem the respondent's expulsion to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against her.

The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b). In order to be reinstated, the respondent must demonstrate that she meets the definition of an attorney or representative, as set forth in 8 C.F.R. §§ 1001.1(f) and (j). *Id.*



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FOR THE BOARD